

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2444 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

HARENDRA NARBHERAM

CHUPCHUPWALA

Versus

STATE OF GUJARAT

Appearance:

Ms. Archana Acharya for MR SB VAKIL for Petitioners
Mr. LR Pujari AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 12/10/2000

ORAL JUDGEMENT

Ms. Acharya, learned advocate is appearing for the petitioners. Mr. Pujari, learned AGP is appearing for the respondents. In this petition, rule has been issued and it has been made returnable on 21st April,

1997 and the interim relief was granted in terms of para 7(D)(i) on 31st March, 1997.

In this petition, the petitioner is challenging the order passed by the competent authority dated 27.1.1997 (Annexure "A" to the petition). Today, when the matter was taken up for hearing, learned AGP Mr. Pujari appearing for the respondent authorities has made a statement on the basis of the remarks received by the learned AGP dated 11th April, 1997 that the competent authority has not initiated any proceedings and has not taken any further step beyond notification under section 10(1) and the possession of the excess land has not been taken over by the Government because of the fact that the interim relief granted by this court on 31st March, 1997 has been operating. However, learned advocate Ms. Acharya appearing for the petitioner has also made it clear that the possession of the excess land in question has not been taken over by the Government so far and the same is with the petitioners.

The Urban Land (Ceiling and Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. Rule is discharged. Interim relief granted earlier by this court shall stand vacated. There shall be no order as to costs.

12.10.2000 (H.K. Rathod, J.)

Vyas